UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DAVID PAIVA
 	
        Plaintiff/Counter-Defendant
 	
v.
 	
THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATE HOLDERS CWALT, INC. ALTERNATIVE LOAN TRUST 2005-48T1, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2005-48T1
 	
        Defendant/Counter-Plaintiff
	C.A. No. 14-14531-ADB
	
	PLAINTIFF'S CROSS-MOTION FOR SUMMARY JUDGMENT

Pursuant to Fed. R. Civ. P. 56, plaintiff David Paiva hereby moves the Court to grant summary judgment in his favor and against defendant the Bank of New York Mellon ("BONYM") and requests that the Court deny BONYM's motion for summary judgment. There is no issue of material fact to be tried, and the Plaintiff is entitled to judgment as a matter of law on his claims against BONYM for its breach of the power of sale and failure to comply with G.L. c. 244, § 15A while foreclosing on Paiva's home. In further support, and in opposition to BONYM's motion, Paiva submits the accompanying Memorandum of Law.

Respectfully submitted,

/s/ Josef C. Culik
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Attorney for Plaintiff David Paiva

March 27, 2015

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DAVID PAIVA	C.A. No. 14-14531-ADB
Plaintiff/Counter-Defendant	
v.	
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Defendant/Counter-Plaintiff	

CERTIFICATE OF SERVICE

I hereby certify that the Plaintiffs' Cross Motion for Summary Judgment,

Statement of Material Facts, Paiva's Affidavit, and all associated exhibits were filed

through the ECF system and will be sent electronically to the registered participants as

identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those

indicated as non-registered participants on March 27, 2015.

/s/ *Josef C. Culik*
Josef C. Culik